

AN ORDINANCE

98432

**AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT AND MEMORANDUM OF LICENSE AGREEMENT GRANTING SAN ANTONIO RESORT LIMITED PARTNERS, L.P., THE RIGHT TO USE 0.1226 OF AN ACRE (5,339 SQUARE FEET) OF PUBLIC RIGHT OF WAY UNDER AND ACROSS W. MILITARY DRIVE LOCATED BETWEEN HUNT LANE AND ROGERS ROAD FOR THE CONSTRUCTION OF A GOLF CART TUNNEL ADJACENT TO NCBS 17642 AND 17673, FOR A TEN (10) YEAR TERM AND A LICENSE FEE OF \$5,000.00.**

\* \* \* \* \*

**WHEREAS**, San Antonio Resort Limited Partners, L.P., (Petitioner) will be constructing a golf cart tunnel adjacent to NCBS 17642 and 17673; and which, upon completion, will be encroaching under and across W. Military Drive between Hunt Lane and Rogers Road public right of way; thus, Petitioner has requested that the City grant a License allowing the right to use such public right of way; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager, or her designee, is hereby authorized to execute a License Agreement, Memorandum of License Agreement and any other related instruments, as first reviewed and approved by the City Attorney, granting San Antonio Resort Limited Partners, L.P., as Licensee, the right to use 0.1226 acres (5,339 square feet) of public right of way under and across W. Military Drive between Hunt Lane and Rogers Road for the construction of golf cart tunnel for a ten (10) year term for a License Fee of \$5,000.00. Copies of the License Agreement and Memorandum of License Agreement, executed on behalf of the Licensee, are both attached hereto as **Exhibit "A"** and incorporated herein verbatim for all purposes. Said use is further shown on **Exhibit "B"** attached hereto and incorporated herein for all purposes.

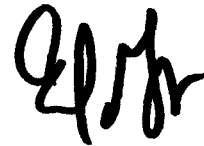
**SECTION 2.** The grant of the License is contingent on Licensee's compliance with the conditions and/or restrictions set forth in a letter agreement, a copy of which is attached hereto as **Exhibit "C"** and incorporated herein verbatim for all purposes.

**SECTION 3.** The proceeds of the License Agreement shall be deposited into Fund No. 11-0000 entitled "General Fund," Index Code 012732 entitled "License Agreement – Use of ROW."

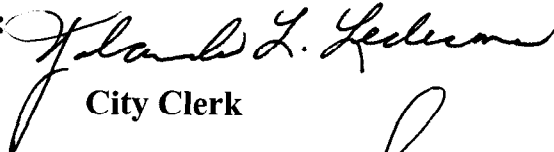
**SECTION 4.** The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Number as necessary to carry out the purpose of this Ordinance.

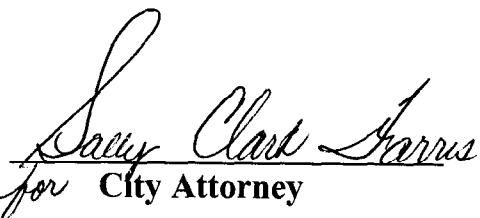
**SECTION 5.** This ordinance shall take effect on the 23rd day of November 2003.

**PASSED AND APPROVED** this 13th day of November 2003.



M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney